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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2005 64262

NICOLE LYNN GOAL, AT

893 Dragon Shores Drive
Coldwater, Michigan 49036

Physical Therapist Assistant License No.
AT 6405

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about May 7, 2007, Complainant Steven K. Hartzell, in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs, filed Accusation No. 1D 2005 64262 against Nicole Lynn Goal, AT (Respondent) before the Physical Therapy Board of California.

2. On or about September 12, 2002, the Physical Therapy Board of California (Board) issued Physical Therapist Assistant License No. AT 6405 to Respondent. The license was not renewed and on November 30, 2007, the license expired.

3. On or about May 7, 2007, Deborah Nardine, an employee of the Complainant Agency, served by Certified and First Class Mail a copy of the Accusation No. 1D 2005 64262, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record

1 with the Board, which was and is 893 Dragon Shores Drive Coldwater, Michigan 49036.

2 A copy of the Accusation, the related documents, and Declaration of Service are attached
3 as exhibit A, and are incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c).

6 5. On or about June 4, 2007, the aforementioned documents were returned by
7 the U.S. Postal Service marked "Unclaimed." A copy of the envelope returned by the post office
8 is attached as exhibit B, and is incorporated herein by reference.

9 6. Government Code section 11506 states, in pertinent part:

10 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
12 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
13 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

14 7. Respondent failed to file a Notice of Defense within 15 days after service
15 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
16 Accusation No. 1D 2005 64262.

17 8. On or about July 22, 2008, a letter was sent to respondent at her address of
18 record by first class mail. The letter included a blank Notice of Defense and advised respondent
19 to file the Notice of Defense or a default decision would be entered. Respondent failed to
20 respond to this letter. A copy of this letter is attached as Exhibit C and incorporated by reference

21 9. California Government Code section 11520 states, in pertinent part:

22 "(a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions or
24 upon other evidence and affidavits may be used as evidence without any notice to
25 respondent."

26 10. Pursuant to its authority under Government Code section 11520, the Board
27 finds Respondent is in default. The Board will take action without further hearing and, based on
28 Respondent's express admissions by way of default and the evidence before it, contained in

1 exhibits A, B and C, finds that the allegations in Accusation No. 1D 2005 64262 are true.

2 DETERMINATION OF ISSUES

3 1. Based on the foregoing findings of fact, Respondent Nicole Lynn Goal,
4 AT has subjected her Physical Therapist Assistant License No. AT 6405 to discipline.

5 2. A copy of the Accusation and the related documents and Declaration of
6 Service are attached.

7 3. The agency has jurisdiction to adjudicate this case by default.

8 4. The Physical Therapy Board of California is authorized to revoke
9 Respondent's Physical Therapist Assistant License based upon the following violations alleged in
10 the Accusation:

11 a. Business and Professions Code sections 2660(d) and 2236 in that on
12 about July 28, 2005, respondent was convicted of misdemeanor petty theft, a violation of
13 Penal Code section 484(a) in California Superior Court Kings County. The underlying
14 circumstances of this conviction are as follows: on May 17, 2005, respondent who was
15 an employee of Kings Nursing and Rehabilitation Hospital in Hanford, California, took a
16 debit card from a coworker's purse. Respondent used the card, signing her coworker's
17 name to make purchases at a gas station near the facility.

18 ORDER

19 IT IS SO ORDERED that Physical Therapist Assistant License No. AT 6405,
20 heretofore issued to Respondent Nicole Lynn Goal, AT, is revoked.

21 Pursuant to Government Code section 11520, subdivision (c), Respondent may
22 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
23 within seven (7) days after service of the Decision on Respondent. The agency in its discretion

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1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
2 statute.

3 This Decision shall become effective on January 9, 2009.

4 It is so ORDERED December 10, 2008

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6 Original Signed By:
7 NANCY KRUEGER, PT
8 PRESIDENT
9 FOR THE PHYSICAL THERAPY BOARD OF
10 CALIFORNIA
11 DEPARTMENT OF CONSUMER AFFAIRS

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12 DOJ Matter ID: SA2007300356

13 Attachments:

14 Exhibit A: Accusation No.1D 2005 64262, Related Documents, and Declaration of Service
15 Exhibit B: Copy of Envelope Returned by Post Office
16 Exhibit C: Letter dated July 22, 2008
17 Exhibit D: Certification of Costs: Declaration of Gail M. Heppell
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